

175186

Nelson Mullins

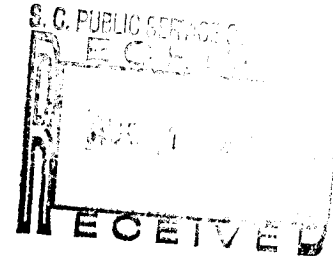
Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law
999 Peachtree Street, NE / 14th Floor / Atlanta, Georgia 30309-3964
Tel: 404.817.6000 Fax: 404.817.6050
www.nelsonmullins.com

Kenneth L. Millwood
General Counsel
404.817.6100
ken.millwood@nelsonmullins.com

August 11, 2005

The Honorable Charles L.A. Terreni
Executive Director
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, SC 29211



RE: Joint Petition for Arbitration of NewSouth Communications, Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius [Affiliates] of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as Amended
Docket No. 2005-57-C

Dear Mr. Terreni:

This letter will supplement and expand upon Mr. Russell's letter to you of this same date regarding his recently filed testimony. First, let me confirm that Mr. Russell's statements to you with regard to how this matter was reviewed, and our subsequent conclusion that it had been handled in a way inconsistent with our agreement with the parties, is correct. That analysis, as well as the subsequent conclusion regarding our error, were both made by me in my role as General Counsel to the Firm.

On behalf of the Firm, I would also like to bring certain other matters to your attention regarding the last paragraph of the supplemental testimony from Mr. Russell. In particular, I draw your attention to the statement that the Firm has "consented to my submission of rebuttal testimony and my appearance at [a] hearing on behalf of NuVox." As set forth in Mr. Russell's letter and as confirmed above, we did originally consent to this submission of the testimony. However, no one at the Firm reviewed the testimony itself prior to its submission. In particular, we were not asked to, nor did we, "consent" to any statement in the supplemental testimony, including particularly any subsequent appearance of Mr. Russell. As we have made clear to the parties, in light of the ethical issues raised by BellSouth, it is incumbent upon the Firm to approach any further request for testimony from Mr. Russell in this or any related matter in strict compliance with the terms of my earlier letter to counsel for the parties.

The Honorable Charles L.A. Terreni
August 11, 2005
Page 2

Lastly, we want to be certain that you, or anyone else who might read the supplemental testimony, does not construe the statement regarding "consent" to suggest that the Firm takes any position with regard to whether a conflict exists. Specifically, we have concluded, and have so informed the parties, that we believe it is inappropriate for the Firm to take a position on whether a conflict exists in the first instance.

I join in Mr. Russell's apology for any inconvenience we may have inadvertently caused to you, this proceeding or the parties. We would request that no prejudice be caused to either party, with regard to the timing of submission of testimony or otherwise, by virtue of the withdrawal of Mr. Russell's testimony.

With kindest regards, I remain

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth L. Millwood". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Kenneth L. Millwood

KLM:mh

cc: All counsel of record